



2020 CODE OF ETHICS AND PROGRAM STANDARDS
ACKNOWLEDGMENT AND
STATEMENT OF COMMITMENT FORM

Office of Judicial Administration
Indiana Office of Court Services
Adult Guardianship Office
251 N. Illinois Street, Suite 800
Indianapolis, IN 46204-3417
Phone: (317) 232-2542
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Dear VASIA Program Director,

As part of the funding process, and in order to verify that your program is adhering to the Adult Guardianship Office's Code of Ethics and Program Standards, please read each of the following points carefully. If your program is in complete compliance and agreement with the item listed, please indicate by writing your initials on the line provided next to each item. Please also sign and date this form at the end of the document. 100% compliance is required in order to be considered eligible for matching grant funds.

Program Name: _____

County/Countries Served: _____

**ADULT GUARDIANSHIP OFFICE
CODE OF ETHICS**

This Code of Ethics provides Indiana Volunteer Advocates for Seniors or Incapacitated Adults (hereinafter "VASIA") programs and volunteers with guidelines for professional behavior and ethical conduct. The Adult Guardianship Office shall not be held liable for the actions of affiliate programs or volunteers.

CONDUCT

Director's
Initials

_____ 1. VASIA programs and volunteers shall abide by this Code of Ethics and all state and federal laws and regulations governing their activities. Each VASIA program is required to train its staff and volunteers on this Code of Ethics, provide

them with a copy, and have them sign an acknowledgement that they have read and received the Code of Ethics and shall abide by it.

____2. VASIA programs and volunteers shall uphold the credibility and dignity of the VASIA concept by conducting all business in an honest, fair, professional, and humane manner.

____3. Employees and volunteers of VASIA programs shall not use their authority inappropriately, nor condone any illegal acts or unethical practices related to their program or community.

____4. VASIA programs and volunteers shall not use their program relationship for inappropriate personal, professional, or financial gain.

____5. VASIA programs and volunteers shall avoid any action that could adversely affect the confidence of the public in the integrity of the VASIA concept.

____6. VASIA programs and volunteers shall not initiate, permit, or participate in any *ex parte* communications with a judge concerning a pending or impending proceeding, except where authorized by law.

____7. VASIA programs and volunteers shall not practice, condone, facilitate, or participate in any form of discrimination on the basis of race, color, sex, sexual orientation, age, religion, ethnicity, national origin, marital status, political affiliation, disability, or socioeconomic status.

____8. VASIA programs shall take necessary steps to avoid conflicts of interest on cases. VASIA programs shall ensure that each volunteer exercises independent judgment on behalf of a senior or incapacitated adult, and advocates solely for whatever is in the best interest of that person. VASIA programs and volunteers shall resist influences and pressures that interfere with impartial judgment. VASIA programs and volunteers shall report honestly and impartially to the court on what is believed to be in the best interests of the senior or incapacitated adult. In order to avoid conflicts of interest and even the appearance of impropriety, the VASIA program shall not allow employees of a court or the Indiana Family & Social Services Agency (FSSA) to serve as a volunteer. Employees of organizations that provide services to these government agencies also may not serve as volunteers, absent special circumstances that are approved by the Adult Guardianship Office. A VASIA program shall not appoint any volunteer to a case when the volunteer has prior involvement with a family or with the circumstances surrounding the case unless there is full disclosure of the potential conflict to all parties and any perceived or actual conflict is waived by all interested persons and parties and approved by the court.

CONFIDENTIALITY

____9. VASIA programs and volunteers shall respect the right to privacy of all individuals. VASIA programs shall maintain strict confidentiality of all information related to a case. VASIA programs shall take all reasonable steps to ensure that volunteers also maintain strict confidentiality. VASIA programs shall provide training to volunteers about confidentiality that conforms to Standard 11, “Confidentiality,” of the *NGA Standards of Practice*, 4th ed. (2013), and shall have volunteers sign a confidentiality policy. Neither a VASIA program nor its volunteers shall disclose confidential information relating to a case to any person who is not a party to the case, except in reports to a court and as provided by law or court order.

____10. Individuals working in VASIA programs as staff, volunteers, or members of the program’s governing board shall not use confidential information obtained through their work with VASIA for personal benefit.

KNOWLEDGE AND UNDERSTANDING

____11. Individuals working in VASIA programs as staff, volunteers, or members of the program’s governing board must be trained in accordance with the *NGA Standards for Agencies and Programs Providing Guardianship Services* (2007), Standard III. Personnel Standards, B.3. Orientation Training.

____12. VASIA programs and volunteers shall learn as much as possible about the characteristics of the seniors or incapacitated adults they serve, and must respect each person’s human rights to dignity, safety, self-determination, and meaningful relationships.

STATE FUNDING

____13. VASIA programs seeking funding from the Adult Guardianship Office’s must operate in accordance with this Code of Ethics and the Program Standards that follow.

____14. Grant funds can only be used for approved project activities in accordance with the approved budget submitted in the VASIA program’s grant application. Any substantial revisions or modifications to the approved budget shall require prior written approval by the Adult Guardianship Office.

____15. The VASIA program acknowledges that the Adult Guardianship Office has made no actual or implied promise of funding except for the amounts specified by this agreement based on available funding. If the legislative appropriation is rescinded, the VASIA programs acknowledge that the Adult Guardianship Office shall have no further obligation to the program in connection with this grant as a result of such rescission.

____16. The VASIA program shall not use its receipt of grant funding to imply or infer that the program is affiliated with the Indiana Supreme Court.

DISSOLUTION

____17. If the VASIA program is stopped, suspended, dissolves, or ceases to exist, any remaining grant funding must be returned to the Adult Guardianship Office within 30 days from such suspension of services or dissolution.

____18. The program also must notify the Adult Guardianship Office, in writing, if the program director or person responsible for administering the program resigns or is removed from his or her position, or if there is any governance or structural change, including, but not limited to, bankruptcy, merger, or dissolution of the organization.

____19. All such changes must be communicated within one week of the applicable change and adequate alternative plans, including, but not limited to, successor or alternate guardianship plans following dissolution, must be made.

COMPLIANCE

____20. The staff attorney assigned to the Adult Guardianship Office shall monitor the program's compliance with this Code of Ethics and shall be given complete access to the program's records.

____21. Local VASIA programs shall follow the National Guardianship Association (NGA) *Model Code of Ethics for Guardians*, provide training to their staff and volunteers on the NGA *Model Code*, and provide a copy of the NGA Model Code to all program staff and volunteers and require their compliance with it.

ADULT GUARDIANSHIP OFFICE PROGRAM STANDARDS

VASIA PROGRAMS

____1. In accordance with Ind. Code 29-3-8.5-3, a VASIA program is a single organization, partnership, corporation, company, cooperative, or other entity that provides courts in one or more counties with trained community volunteers who shall:

- serve as guardians to represent and protect the best interests of incapacitated persons or seniors, including their property;

- investigate and gather information regarding the health, welfare, and financial circumstances of the incapacitated persons or seniors, as directed by a court;
- facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated persons or seniors;
- advocate for the rights of the incapacitated persons or seniors;
- facilitate legal representation for the incapacitated persons or seniors;
- provide the court with the statutorily required reports and,
- perform other tasks as required by the appointing court, including but not limited to the duties of a guardian of a minor as listed in Ind. Code 29-3-8-1 and Ind. Code 29-3-8-3.

_____ 2. A VASIA program shall have a written mission statement which requires compliance with the Adult Guardianship Office's Code of Ethics and Program Standards, and compliance with applicable state and federal statutes.

_____ 3. Local VASIA programs must follow the *NGA Standards for Agencies and Programs Providing Guardianship Services* (2007). The staff attorney for the Adult Guardianship Office shall determine whether the VASIA program is in compliance with this standard, and failure to be in compliance may result in loss of future funding or other appropriate action.

_____ 4. A VASIA program's legal authority is derived from Ind. Code 29-3-8.5 *et seq.* Local VASIA programs must execute a Memorandum of Understanding (MOU) with one or more of the trial courts that the program serves. A VASIA program operated under an umbrella agency, such as a nonprofit corporation, must have a written agreement with the umbrella agency.

_____ 5. A VASIA program must have a governing body that meets regularly (a board of directors for programs that are a nonprofit corporation or are under the umbrella of a nonprofit corporation). The governing body is responsible for adopting the program's policies and procedures, guiding its development, overseeing its program of services, approving the program's annual budget, and assuring its accountability to the community. The governing body shall operate in accordance with the *NGA Standards for Agencies and Programs Providing Guardianship Services*, (2007).

_____ 6. VASIA programs shall provide trained community volunteers and/or program staff who perform the responsibilities described in paragraph 1, above. A VASIA program shall recruit, screen, train, and supervise persons serving as volunteer advocates for seniors or incapacitated adults (VASIAs).

_____ 7. Local VASIA programs must submit written quarterly reports and an annual statistical report for each calendar year (with accompanying financial forms) to the Adult Guardianship Office. The local VASIA program agrees to submit all

required information to the Adult Guardianship Office by the designated deadlines for each report, which are:

- 1st Quarterly Report: quarter ends 3/31/20; report due by 4/15/20.
- 2nd Quarterly Report: quarter ends 6/30/20; report due by 7/15/20.
- 3rd Quarterly Report: quarter ends 9/30/20, report due by 10/15/20.
- 4th Quarterly Report: quarter ends 12/31/20; report due by 01/15/21.
- Annual Financial and “Senior or Incapacitated Adults Served” Reports for 2019: due by February 1, 2020.

Failure to submit timely and accurate written monthly, quarterly, and annual statistical reports by the required due dates listed above shall be considered a violation of this agreement and may result in the withholding of grant payments until corrective action as specified by the Adult Guardianship Office has been completed. Failure to meet corrective action conditions in a timely manner may result in the suspension or termination of grant funds, or a loss of eligibility for future funding.

____ 8. The management and operation of the VASIA program must assure adequate supervision of VASIA volunteers. The VASIA program shall have a volunteer/supervisor ratio of 30 to 1, or fewer, the majority of the time, absent special circumstances. The program shall limit each volunteer’s caseload to a size that allows the volunteer to “accurately and adequately support and protect the person, that allows a minimum of one visit per month with each person, and that allows regular contact with all service providers,” as required by NGA Standard 23, “Management of Multiple Guardianship Cases,” *Standards of Practice*, 4th ed. (2013). The VASIA program supervisors shall hold regular case conferences with volunteers to review progress on each case. The VASIA program shall ensure that volunteers have regular, in-person contact with seniors or incapacitated adults sufficient to have in-depth knowledge of each case, and to make fact-based recommendations to the court.

____ 9. Local VASIA programs must agree that no individual volunteer shall be appointed as guardian; instead, only the local VASIA program itself shall accept appointments as guardian.

____ 10. A VASIA program shall keep written records on each volunteer applicant. All volunteer applicants are required to:

- complete a written application containing information about educational background and training, employment history, and experience working with seniors or incapacitated adults (if any);
- submit the names of three or more references unrelated to the applicant, authorize the VASIA program to secure background checks on criminal history, BMV record, Adult Protective Services record and Child Protective Services record;

- attend and participate in in-person interviews with VASIA program personnel; and,
- attend all required pre-service training.

____11. A VASIA program shall provide a policies and procedures manual to every volunteer. The policies and procedures manual must include:

- the Adult Guardianship Office's Code of Ethics;
- the NGA *Model Code of Ethics for Guardians*;
- the most current edition of the NGA *Standards of Practice*; and,
- the job description/role of the volunteer.

____12. The policies and procedures manual must prohibit a VASIA volunteer from taking a senior or incapacitated adult to the volunteer's home and also prohibit VASIA volunteers from providing legal advice or therapeutic counseling to a senior or incapacitated adult. The manual must also require the volunteer to submit all reports (or to discuss oral recommendations) to the volunteer supervisor prior to submitting those reports and recommendations to the court. Finally, the manual must address the conditions for disciplinary action against a volunteer, and must specify the grounds for dismissal of a volunteer from the program.

____13. Volunteers shall not transport a senior or incapacitated adult. Only the VASIA program may transport, or arrange for the transportation of, a senior or incapacitated adult.

____14. A VASIA program is required to have written management and personnel policies and procedures, an equal employment opportunity policy, job descriptions, screening requirements for the program director and staff, a training curriculum, and keep the required data on the operation of the program.

____15. A VASIA program may not accept applicants for staff, volunteer, or governing board positions if they have been convicted of, or have charges pending for, a felony or misdemeanor involving a sex offense, child abuse or neglect, endangered adult abuse or neglect, a crime involving domestic or family violence as defined in Ind. Code 35-31.5-2-76, or similar provisions in any other jurisdictions, or related acts that would pose risks to seniors or incapacitated adults, or to the program's credibility.

____16. A VASIA program must have a written procedure to require the immediate reporting to the local Adult Protective Services (APS) office of a situation in which a VASIA volunteer or program staff member has reason to believe that a senior or incapacitated adult is in immediate danger.

____17. A VASIA program shall be an inclusive organization whose volunteers, staff, and governing body reflect the seniors or incapacitated adults they serve and their community in terms of gender, ethnicity, and cultural and socio-economic background.

____18. A VASIA program is required to make every reasonable effort to cooperate with other agencies to improve services for individual seniors or incapacitated adults and their families.

____19. A VASIA program shall keep the statistics and data required on the operation of the program to complete the annual statistical report for the Adult Guardianship Office and submit the information to the Office by the required deadline. A program must maintain complete and accurate records for all seniors and incapacitated adults it serves. A program must require its volunteers to turn in their case records, including all notes and materials, when the case is closed.

____20. A VASIA program must keep the Adult Guardianship Office informed of its current program telephone and fax numbers, mailing address(es), and e-mail address(es) and must notify the Office in writing of any changes within a week of such changes being made. The program must also respond to any requests for information from the Adult Guardianship Office in a timely manner.

____21. A VASIA program shall receive, disburse, and account for its funds in accordance with sound financial practices and generally accepted accounting principles. A program must have a written budget and/or financial statement that demonstrates that funds distributed by the Adult Guardianship Office to the local program are being utilized in accordance with the duties enumerated in the VASIA statute, Ind. Code 29-3-8.5 *et seq.* An acceptable system is one that:

- accounts for receipt of funds under each funding source and by category of expenditure;
- assures that expended funds are applied to the appropriate budget category;
- presents and classifies historical costs of the grant as required for budgetary and evaluation purposes;
- provides adequate cost controls to assure optimal use of grant funds;
- is integrated with a system of internal controls adequate to safeguard the funds and assets of the program;
- meets the prescribed requirements for periodic financial reporting of operations; and,
- provides financial data for planning and evaluation of costs and budget projections.

____22. A VASIA program shall provide a copy of their 2019 Annual Financial and "Senior and Incapacitated Adults Served" Reports to the Court.

____23. A VASIA program shall accept referrals for vulnerable adults who are incapacitated due to aging, an intellectual or developmental disability, a traumatic or acquired brain injury, or a mental illness. A VASIA program that does not serve all four (4) of these at-risk populations must obtain a written waiver from the trial

court indicating its satisfaction that the needs of these vulnerable adults are being adequately met within its county.

____ 24. VASIA funding shall only be used for guardianship services in the county where the VASIA funds were awarded. A VASIA program may consider the residence and/or location of services for purposes of accepting referrals and in consideration of the appropriate state and/or federal laws.

____ 25. Local VASIA programs shall seek diverse funding sources for long-term fiscal sustainability, including, for example, funding from community foundations and federal VOCA (Victims of Crime Act) and STOP Grant funds to help finance their activities.

VASIA VOLUNTEERS

____ 26. A VASIA volunteer is an individual who has been screened and trained by a VASIA program appointed by the court to advocate for seniors and incapacitated adults who come into the probate court system. A volunteer reviews records; facilitates prompt, thorough reviews of the case; and, interviews appropriate parties in order to make recommendations on what would be in the best interests of the senior or incapacitated adult.

____ 27. A VASIA volunteer must be at least twenty-one (21) years of age, or a college student who is eighteen (18) to twenty (20) years of age and enrolled in a secondary education program, and pass screening requirements which include a written application, a personal interview, reference checks, and APS and criminal records checks.

____ 28. A VASIA volunteer must successfully complete initial training and continuing education provided by the local program.

____ 29. A VASIA volunteer shall not engage in activities which jeopardize the safety of the senior or incapacitated adult, the integrity of the program, or the objectivity of the volunteer; or, in activities which are likely to result in a conflict of interest or expose the program or the volunteer to criminal or civil liability. A VASIA volunteer must also review, sign and agree to abide by the Code of Ethics of the Adult Guardianship Office.

____ 30. A VASIA volunteer must respect the right to privacy by keeping information confidential that would identify parties involved in cases. VASIA volunteers must respect the right to privacy of all individuals. Volunteers shall maintain strict confidentiality of all information related to a case, including but not limited to, information about medical conditions that are confidential pursuant to the Health Insurance Portability and Accountability Act (HIPAA). VASIA programs must take all reasonable steps to ensure that volunteers maintain strict confidentiality. VASIA programs shall provide training to volunteers about

confidentiality and shall have volunteers sign a confidentiality statement or policy. Neither a VASIA program nor volunteers shall disclose confidential information relating to a case to any person who is not a party to the case except in reports to the court and as provided by law or court order.

____31. Local VASIA programs agree to require their individual volunteers to follow the NGA *Standards of Practice*, 4th ed. (2013), and to review and update their programs' policies and procedures for volunteers based on the latest edition of the *Standards of Practice*. Local VASIA programs must maintain on file, for each volunteer, a signed copy of the *Standards of Practice* with each standard initialed by the volunteer.

VASIA PROGRAM DIRECTORS/COORDINATORS

____32. The director or coordinator of a VASIA program shall comply with all standards for a VASIA program as herein defined.

____33. Local VASIA programs must agree that the program director or the director's designee shall attend all grantee meetings and/or telephonic conferences called by the Adult Guardianship Office.

STATEMENT OF COMMITMENT

In order to be eligible for funding from the Adult Guardianship Office, a local VASIA program must comply with the attached Code of Ethics and Program Standards.

I have read and understand all of the items listed in both the Code of Ethics and Program Standards of the Adult Guardianship Office. Further, by placing my initials beside the items indicated, I affirm that the program I direct/coordinate is in compliance with all terms and conditions of the aforementioned Code of Ethics and Program Standards.

Program Name: _____

County/Counties Served: _____

Printed Name of Program Director: _____

Signature of Program Director: _____

ADDITIONAL STATEMENT OF COMMITMENT FOR THE GOVERNING BODY

This Additional Statement of Commitment is for nonprofit VASIA programs and VASIA programs under the umbrella of another nonprofit.

I am the President of the Governing Body for _____.
I understand that in order to be eligible to receive funding from the Adult Guardianship Office, a local VASIA program must comply with the attached Code of Ethics and Program Standards.

I have received a copy of, read, and understand all of the items listed in both the Code of Ethics and Program Standards of the Adult Guardianship Office. Further, by signing my name below, I affirm that our VASIA program is in compliance with all terms and conditions of the aforementioned Code of Ethics and Program Standards.

Printed name of the President for the Governing Body

Signature of the President for the Governing Body

Date